IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 52 OF 2005
IN
NOTICE OF MOTION NO. 183 OF 2004
IN
SUIT NO. 1785 OF 2004

M/S.AMRUTANJAN LTD. ... PETITIONER.

VS.

M/S. SHAMROCK INTERNATIONAL
LTD. AND ANORHTER. ...RESPONDENTS/CONTEMNORS.

N.S.NAPPINI & JAYSHRI MANJREKAR FOR THE PETITIONER.
MR. KEVICK SETALVAD ALONGWITH MOHD. AKRAM I/B. HARILAL THAKUR & CO. FOR THE RESPONDENTS.

CORAM: S.K.SHAH,J.
DATE : December 9, 2005.

P.C.

1. The contempt petition is filed as the respondents failed to comply with the statements made by them before this Court, which was recorded in the Order, dated 21st May, 2004. The statement was to the effect that :-

> " The plaintiffs are ready and willing to accept the supply of the material which is already prepared and ready and has also made statement that they will pay the price of the goods which are to be supplied by the defendants to the plaintiffs".

2. There is dispute raised by the Respondents that the Petitioners have not communicated to them as to what goods are available for sale.

3. Apart from this, it appears that subsequent thereto the consent terms were filed in the Court, which were recorded by the Court on 29th April, 2005. As per the clause (6) of the consent terms, liberty was granted to the petitioners to sell the goods if the respondents do not lift the goods.

4. Under the circumstances, the subsequent consent terms had an overriding effect on the statement made earlier, which was recorded in the Order dated 21st May, 2004.

5. Under the circumstances, there is no question of any contempt of the said Order of the Court. The learned Counsel for the Petitioner further submits that they have suffered heavy loses as a result of the statement made by the defendants which was recorded in the Order dated 24.5.2004. The statement was not kept by the Respondents. However, that aspect cannot be gone into in the contempt jurisdiction.

6. In view of the above, no action can be taken against the defendants. The contempt petition is, therefore, dismissed.

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(S.K.SHAH,J.)